

PATENTS

Attorney Docket No. VPI/96-16 CIP2 CON

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Deepak R. Rao  
Group Art Unit : 1624  
Applicants : Guy W. Bemis et al.  
Application No. : 10/622,320 Confirmation No. : 4334  
Filed : July 17, 2003  
For : INHIBITORS OF p38

New York, New York

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b) AND (c)

Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242, represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

1. United States Patent No. 6,632,945 B2 ("the '945 patent"), for "INHIBITORS OF p38", issued October 14, 2003 from United States Patent Application No. 09/746,722 ("the '722 application"), filed on December 21, 2000; which application is a

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continuation of PCT International Application No. PCT/US99/10291 ("the '291 application"), filed on May 11, 1999. An assignment of the '291 application by the inventors to VERTEX PHARMACEUTICALS INCORPORATED was recorded on July 18, 2003 at Reel 014296, Frame 0954 in the '722 application.<sup>1</sup>

2. United States Patent Application No. 10/622,320 ("the '320 application"), for "INHIBITORS OF p38", filed on July 17, 2003; which application is a continuation of United States Patent Application No. 09/336,266 ("the '266 application"), filed on June 18, 1999,<sup>2</sup> now United States Patent Number 6,608,060 ("the '060 patent"); which application is a continuation of PCT International Application No. PCT/US97/23392, filed December 17, 1997 ("the '392 application"). An assignment of the '392 application by the inventors to VERTEX PHARMACEUTICALS INCORPORATED was recorded on June 18, 1999 at Reel 010046, Frame 0401 in the '266 application.<sup>3</sup>

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<sup>1</sup> The Recordation Form Cover Sheet, recorded on July 18, 2003 with the assignment document in the '722 application, referred to the incorrect application number in Box 4A. Applicants filed a Request for Correction of Error in Recorded Cover Sheet on November 17, 2006 in the '945 patent to correct this error.

<sup>2</sup> The filing date of the '266 application is listed incorrectly on the face of the '060 patent, in the Office's Issued Patents database, and in the Office's Patent Assignment database. Applicants filed a Request for Certificate of Correction on March 17, 2006 in the '060 patent to correct this error.

<sup>3</sup> The August 26, 1999 Notice of Recordation of Assignment Document in the '266 application incorrectly recites the name of inventor and assignor, Guy W. Bernis. Applicants filed a Request for Correction of Error in Notice of Recordation of Assignment Document on November 17, 2006 in the '060 patent to correct this error.

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The undersigned, on behalf of VERTEX PHARMACEUTICALS INCORPORATED, hereby disclaims the terminal portion of any patent granted on the '320 application which would extend beyond the expiration date of the '945 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INCORPORATED, agrees that any patent so granted on the '320 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '945 patent, this agreement to run with any patent granted on the '320 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '320 application prior to the full statutory term of the '945 patent, in the event that the '945 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an attorney of record in the above-identified application and is authorized to act on behalf of assignee corporation in connection with said application; and

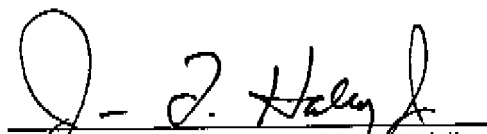
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2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '320 application and the '945 patent is in assignee, VERTEX PHARMACEUTICALS INCORPORATED.

Dated:

11/22/06

By:

  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants

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